

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BLUE CROSS BLUE SHIELD  
ASSOCIATION, *et al.***

**Plaintiffs,**

**v.**

**GLAXOSMITHKLINE LLC,**

**Defendant.**

**CIVIL ACTION No. 2:13-cv-4663-JS**

**DEFENDANT GLAXOSMITHKLINE LLC'S MOTION TO EXCLUDE THE EXPERT  
TESTIMONY OF PHILIP RUSS, DR. DAVID KESSLER, MATTHEW PERRI,  
STEPHEN SCHONDELMAYER, AND RENA CONTI**

Defendant GlaxoSmithKline LLC ("GSK"), by and through its undersigned attorneys, hereby moves this Court for an Order excluding the expert testimony of Dr. David Kessler on the meaning of "material impact" and excluding the expert testimony of Philip Russ, Drs. Matthew Perri, Stephen Schondelmeyer, and Rena Conti, proffered by plaintiffs in the above-captioned action. In support of its Motion, GSK incorporates herein the accompanying Memorandum of Law.

WHEREFORE, GSK respectfully requests that the Court enter an Order granting its Motion and excluding the foregoing testimony.

November 7, 2018

BY: 

Stephen J. Kastenberg  
David H. Pittinsky  
Leslie E. John  
Edward D. Rogers  
William B. Igoe  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
Phone: 215-665-8500

Mark H. Lynch (*pro hac vice*)  
Matthew J. O'Connor (*pro hac vice*)  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Phone: 202-662-6000

*Attorneys for Defendant,  
GlaxoSmithKline LLC*


W. Mark Lanier (*pro hac vice* motion pending)  
THE LANIER LAW FIRM  
6810 FM 1960 Road West  
Houston, TX 77069  
Phone: 713-659-5200

Joseph E. O'Neil  
John J. O'Donnell  
LAVIN, O'NEIL, RICCI, CEDRONE  
190 N. Independence Mall West, Suite 500  
Philadelphia, PA 19106  
Phone: 215-627-0303

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that, on this date, he caused to be served copies of the foregoing Motion upon counsel of record by ECF filing.

November 7, 2018

BY:   
William B. Igoe  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
Phone: 215-665-8500

*Attorney for Defendant  
GlaxoSmithKline LLC*